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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,418	09/30/2003	Nathanael F. Ehrich	RSW920030221US1	6181
43168	7590	11/13/2008		
MARCIA L. DOUBET LAW FIRM PO BOX 422859 KISSIMMEE, FL 34742			EXAMINER PAULA, CESAR B	
			ART UNIT 2178	PAPER NUMBER
			NOTIFICATION DATE 11/13/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

Office Action Summary	Application No. 10/675,418	Applicant(s) EHRICH ET AL.	
	Examiner CESAR B. PAULA	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-10 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-10 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/08</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to the remarks filed on 9/3/2008.

This action is made Final.

2. In the amendment, claims 1, 7-10, and 20, are pending in the case. Claim 1 is an independent claim.

Drawings

3. The drawings filed on 9/30/2003, and 1/31/06 have been accepted by the Examiner.

Information Disclosure Statement

4. The IDS filed on 6/4/2008 has been considered by the Examiner.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1, 7-10, and 20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Lemay et al, "Laura Lemay's Web Workshop JavaScript", Sams.net, 1996, chapters 10-11, pp.227-231, in view of Mitchell et al (USPub. US 6983331 B1, 1/3/2006, filed on 10/17/2000), and further in view of Smith et al, 'Scalable Multimedia Delivery for Pervasive Computing', ACM, 1999, pp.132-140.

Regarding independent claim 1, Lemay discloses browsing a web page over the web. The web page contains markup code along with Javascript code to rotate 3 advertisement banners specified in the markup— *receiving, at the client device from a server responsive to a request for a Web page, a markup language document representing the requested that specifies a Web page wherein the Web page comprises a displayable content component; and the markup language document comprises syntax specifying, for the displayable content component, at least three alternative selectable versions thereof and conditions for selecting each of the alternative versions; the selected particular version having a first media type* (pages 227-228).

Moreover, Lemay discloses using multiple Javascript loops of code to change the banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, parag.5-6, page 228). In other words, it is determined how much time has elapsed, and if the time equals to the predetermined time as indicated in the code, then the current banner will be replaced with the next banner on the screen— *at the client device, to the specific conditions to select a particular one of the alternative selectable versions of the displayable content component from the syntax specifying the alternative selectable versions in the markup language document; and rendering the markup language document as the Web page on a display device coupled to the client device, wherein the selected particular version of the*

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displayable content component is rendered as the displayable content component included therein.

Lemay fails to explicitly disclose *determining, at the client device responsive to the receiving, a current window size usable for rendering the requested Web page; matching the determined current window size, at the client.* However, Mitchell teaches detecting at a client, the display size of a browser. Primary, and additional content are displayed on the browser, if the display area is sufficiently large to accommodate both contents(col.4, lines 24-31, col.8, lines 57-62, fig.2D). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lemay and Mitchell, because of all the reasons found in Mitchell including displaying content in a displayable area without having to scroll to view all the content being displayed, and enhance a user's experience when viewing a webpage (col.3, lines 1-15,col.8, lines 30-40). This would provide the optimization of the display area to allow a user to easily view the content.

Furthermore, Lemay fails to explicitly *each of at least two of the at least three alternative selectable versions has a different media type; responsive to subsequently detecting, at the client device, a change in the current window size, repeating the matching to select a different one of the alternative selectable versions, the selected different version having a second media type that is different from the first media type, and repeating the rendering, wherein the selected different one is rendered as the displayable content component.* However, Mitchell teaches determining at a client, whether the display size of a browser has been resized. Additional content is displayed on the browser, if the display area is sufficiently increased (col.3, lines 33-col.4, line 21, abstr., last 14 lines, col.8, lines 30-40). Smith discloses the substitution of one media content type, with

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a different one, such as substituting image for text if a device's screen is small (4.9). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lemay, Mitchell and Smith, because of all the reasons found in Mitchell including displaying content in a displayable area without having to scroll to view all the content being displayed , and enhance a user's experience when viewing a webpage (col.3, lines 1-15,col.8, lines 30-40). Smith teaches optimizing the selection of different variations of media objects (1.6, lines 6-7). This would provide the optimization of the display area to allow a user to easily view the content.

Regarding claim 7, which depends on claim 1, Lemay discloses using multiple Javascript loops of code to change the 3 banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, page 228). —*the syntax specifying the plurality of alternative selectable views are specified using a scripting language syntax --* (col. 11, lines 1-62, col.8, lines 16-34, fig.10-15).

Regarding claim 8, which depends on claim 1 Lemay discloses browsing a web page that contains markup code along with Javascript code to rotate 3 advertisement banners specified in the markup. The banners are children or listed under a head tag (page 227, parag.5-6, page 228).

Regarding claim 9, which depends on claim 1, Lemay discloses using multiple Javascript loops of code—*executable logic--* to change the 3 banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, page 228).

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Regarding claim 10, which depends on claim 7, Lemay discloses using multiple Javascript loops of code —*logic*--to change the 3 banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, page 228).

Regarding claim 20, which depends on claim 1, Lemay discloses using multiple Javascript loops of code to change the banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, parag.5-6, page 228). In other words, the browser software determines how much time has elapsed, and if the time equals to the predetermined time as indicated in the code, then the current banner will be replaced with the next banner on the screen.

Response to Arguments

7. Applicant's arguments filed 9/3/2008 have been fully considered but they are not persuasive. Regarding claim 1, the Applicant indicates that several of the claim limitations shown in the rejections are not part of the claims (page 6). The limitations in question were left as an oversight. However, the claim language is shown by the indicated portions of the prior art as shown in the action.

Moreover, the Applicant indicates that the rejection heading only lists chapters 10-11, and that the cited portions fall outside the chapters listed in the heading (page 7, parag. 2). Although, the heading fails to list the cited portions of Lemay used in the rejection (pages 227-228), the Applicant fails to discuss the merits of those cited portions, which were acknowledged in the remarks filed on 3/17/08 (page 7, parag.2).

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Additionally, the Applicant argues that Smith fails to teach the three alternative selectable versions, and changing a window size repeating a matching to select a different window from the alternative versions (page 8). The Examiner disagrees because, Lemay discloses browsing a web page over the web. The web page contains markup code along with Javascript code to rotate 3 advertisement banners specified in the markup *the markup language document comprises syntax specifying, for the displayable content component, at least three alternative selectable versions thereof and conditions for selecting each of the alternative versions* (pages 227-228). Mitchell teaches determining at a client, whether the display size of a browser has been resized.

Additional content is displayed on the browser, if the display area is sufficiently increased (col.3, lines 33-col.4, line 21, abstr., last 14 lines, col.8, lines 30-40). Smith discloses the substitution of one media content type, with a different one, such as substituting image for text if a device's screen is small (4.9). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lemay, Mitchell and Smith, because of all the reasons found in Mitchell including displaying content in a displayable area without having to scroll to view all the content being displayed , and enhance a user's experience when viewing a webpage (col.3, lines 1-15,col.8, lines 30-40). Smith teaches optimizing the selection of different variations of media objects (1.6, lines 6-7). This would provide the optimization of the display area to allow a user to easily view the content.

Dependent claims 7-10, and 20 remain rejected at least based on the reasons above.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about

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access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 or 571 272-1000 (USA or Canada).

Any response to this Action should be mailed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

- **(571)-273-8300** (for **all** Formal communications intended for entry)

/CESAR B PAULA/ Primary Examiner, Art Unit 2178
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11/10/2008